

REMARKS

The Examiner has objected to the drawings under 37 CFR 1.83(a), because according to the Examiner states the “drawings must show every feature of the invention specified in the claims.” Specifically, the Examiner states that since the drawings fail to show a remote control as claimed in claims 47 and 48, the drawings must be amended to include a remote control.

A remote control is a standard device that one of ordinary skill in the art would understand without the need for a drawing. As stated under 37 CFR 1.81(a) “The applicant for a patent is required to furnish a drawing of his or her invention where necessary for the understanding of the subject matter sought to be patented . . .” (emphasis added). Since a drawing of a remote control is not necessary to understand the claimed subject matter, no amended drawing is necessary.

Claims 21 has been rejected under 35 USC 112, second paragraph, because the claim depends from itself. Claim 21 has been amended to claim from claim 19. Accordingly, this rejection should be withdrawn.

Claim 38 stands rejected under 35 USC 112, second paragraph, because the Examiner finds the recitation “remote control transmits the video preference information to said system and receives information from said system,” indefinite. Specifically, the Examiner states that the specification does not detail what information is received by the system. As the Examiner recited, the claimed “information” should be given its broadest reasonable interpretation and, accordingly, should be recognized as any data that pertains to the transmission of the preference information.

Claims 47 and 48 have been rejected under 35 USC 112, second paragraph, since they claim a remote control that is not disclosed in the specification or drawings. As explained in MPEP § 608.04 “In establishing a disclosure, applicant may rely not only on the specification and drawing as filed but also on the original claims if their content justifies it.” Since claims 47 and 48 are originally filed claims, and since one of ordinary skill the art would understand the design and use

of a remote control without further description, applicants believe that no further written description of the claimed subject matter is necessary.

Claim 56 has been rejected under 35 USC 112, second paragraph, because the claim recites “back channel comprises an asymmetric system that uses standard telecommunication connections” instead of “back channel is connected to an asymmetric system that uses standard telecommunication connections.” This claim has been amended as suggested by the Examiner. Accordingly, this rejection is now moot.

Claims 1, 3, 7, 8, 10, 14, and 64 stand rejected under 35 USC 102(e) as being anticipated by Kwoh. Claims 2, 4-6, 11-13, 15-26, 29-39, 42-58, 61-63, and 65-71 stand rejected under 35 USC 103 as being unpatentable over Kwoh in view of Cragon, Rosser, Elam, Abecassis, Eyer, Beckman, Elenbaas, Ahmad, Gove, Freeman and/or Cobbley. These rejections are respectfully traversed.

All of the pending independent claims have been amended to specify that the tags include selected key words relating to the content of the video stream. As explained in the specification, these key words can be used by the system to select preferred video segments and to exclude unwanted video segments. The key words provide for much more individualized control over programming than just standard rating tags.

The Examiner cites Cagen as disclosing tags that include key words in video content. Cagen discloses a system in which closed captioning text is utilized to locate items of interest. The closed captioning text is not “selected key words,” but rather an interpretation of all the spoken words in the program. Since many of the spoken words are not relevant to categorizing a program, the closed captioning text would not be as precise in categorizing content as the claimed selected key words.

Since none of the cited references disclose systems and methods that include tags comprising selected key words as claimed, the rejection of claims 1, 3-8, 10-26, 29-39, 42-58 and 61-71, should be withdrawn.

In view of the above, each of the presently pending claims in this application is believed to be in immediate condition for allowance. Accordingly, the Examiner is respectfully requested to withdraw the outstanding rejection of the claims and to pass this application to issue. If it is determined that a telephone conference would expedite the prosecution of this application, the Examiner is invited to telephone the undersigned at the number given below.

In the event the U.S. Patent and Trademark office determines that an extension and/or other relief is required, applicant petitions for any required relief including extensions of time and authorizes the Commissioner to charge the cost of such petitions and/or other fees due in connection with the filing of this document to Deposit Account No. 03-1952 referencing Attorney Docket No. 577172001500.

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Respectfully submitted,

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